

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 ARA-06 CAB-02 CIAE-00 COME-00

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FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA PRIORITY

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E.O. 11652: N/A

TAGS: EAIR, OCLR, US, CA, CU

SUBJECT: CANADA-CUBA AIR SERVICE

REF : OTTAWA 518

1. DEPT EXAMINED 1966 AGREEMENT ON AIR TRANSPORT SERVICES AND EXCHANGE OF NOTES (TIAS 5972) AND CONSIDERS THAT THESE APPLY ONLY TO SERVICE BETWEEN U.S. AND CANADA. ARTICLE II REFERS TO OBJECTIVES IN ARTICLE I OF PROVISION FOR DIRECT SERVICE BETWEEN POINTS IN THE TWO COUNTRIES... ARTICLE VIII(A) STATES THAT LAWS AND REGULATIONS OF ONE PARTY...SHALL BE APPLIED TO AIRCRAFT OF THE AIRLINE(OF)...THE OTHER PARTY...

2. CAB REGULATIONS (14CFR375.45) REQUIRE THAT, QUOTE:
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AN OPERATOR OF FOREIGN CIVIL AIRCRAFT DESIRING TO

CONDUCT A SCHEDULED INTERNATIONAL AIR SERVICE IN TRANSIT
ACROSS THE UNITED STATES PURSUANT TO THE INTERNATIONAL
AIR SERVICES TRANSIT AGREEMENT, SHALL, BEFORE COMMENCING
OPERATIONS, OBTAIN THE APPROVAL OF THE ((FAA)) ADMINIS-
TRATOR FOR THE ROUTE OR ROUTES PROPOSED TO BE FOLLOWED
AND THEREAFTER SHALL CONDUCT SUCH OPERATIONS IN ACCORDANCE
WITH THE PROVISIONS OF THAT APPROVAL...UNQUOTE.
FAR 129 IS NOT BINDING ON AIR CANADA (AS IT IS ON U.S.
CARRIERS) BUT IS THE VEHICLE USED BY FAA TO GIVE
APPROVAL. THUS WE WOULD ASK AIR CANADA TO FILE WITH
FAA NEW YORK OFFICE AS PROCEDURALLY BEST WAY TO MEET
THE REQUIREMENTS.

3. FYI: WE MAY ASK CUBANA TO FLY ROUTES IDENTICAL TO
THOSE USED BY CZECHOSLOVAK AIRLINE BETWEEN MONTREAL AND
HAVANA. WASHINGTON AGENCIES NOW DISCUSSING THIS
POSSIBILITY. KISSINGER

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